

**CONSUMER ASSISTANCE DIVISION  
1998 STATISTICAL SUMMARY**



**STATE OF MAINE  
PUBLIC UTILITIES COMMISSION**



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## **I. EXECUTIVE SUMMARY**

The Consumer Assistance Division (CAD) handled 9,021 consumer contacts in 1998, down by 8% from the 9,789 contacts received in 1997. These contacts included 7,427 requests for information, up 9% from the 6,781 requests received in 1997; 853 complaints, down from the 1,229 received in 1997; and 741 requests for permission to disconnect electric and gas customers during the 1997-98 winter period. This is a 58% decrease compared to 1996-97 (1,779). In addition, the Division received 5 requests for exemption from PUC consumer-assistance rules and issued 90 decisions abating over \$55,000.00 to utility customers.

## **II. CONSUMER ASSISTANCE DIVISION (CAD)**

The Consumer Assistance Division (CAD) is the Commission's primary link with utility customers and is charged with ensuring that customers, utilities, and the public receive fair and equitable treatment through education, complaint resolution, and evaluation of utility compliance with consumer protection rules. As part of this mission, the CAD is responsible for educating the public and utilities about consumer rights and responsibilities and other utility-related consumer issues, for investigating and resolving disputes between consumers and utilities, and evaluating utility compliance with State statutes and Commission rules.

## **III. YEAR IN REVIEW**

Last year the CAD established goals to answer all customer calls live and to settle as many complaints as possible the day they are received. To do this, the CAD changed from a consumer hotline call distribution system using a single staff person to answer calls and disseminate complaints to other staff, to a system where all CAD Specialists handle consumer information and complaint calls live. This was CAD's first year using this new process of mediating and resolving as many complaints as possible the day they are received and all CAD Specialists handling calls live. As a result of this change, CAD was able to answer 7,405 or 95% of the calls received in 1998 live. The CAD also changed its primary dispute resolution method from one based on a comprehensive review of utility information and the creation of an extensive record to a more consumer-friendly method based on mediation, consensus and immediate resolution of the dispute. This process is based on the immediate initiation of a three-way conference call between the customer, the utility, and the CAD Specialist and is designed to resolve all issues before the call ends. As a result of this change, CAD was able to double the percentage of cases closed within one day from 10% in 1997 to 20% in 1998.

To educate consumers of their choices and responsibilities in a competitive utility market, the CAD increased its consumer education efforts this past year by releasing several consumer bulletins, maintaining a monthly consumer tip on its Internet web site, and continuing its participation in a State-wide telephone consumer education campaign. A consumer comment box is available, where consumers can ask questions

and express their opinions. Customers can also file complaints with the CAD via the web site.

The CAD also assisted utilities by issuing three CAD bulletins. The bulletins provided information to the state's utilities regarding compliance with the changes to the telephone Lifeline assistance program, customer eligibility criteria, under the Winter Disconnection Rule, and a response to Lifeline assistance program questions raised by the telephone utilities.

### **Internet Access- Consumers Beware**

Over the past year, the CAD received numerous complaints from customers who inadvertently used a long distance telephone number to access the Internet and incurred a large telephone bill. These customers often received promotional disks in the mail from Internet providers offering a certain number of hours of Internet access free. These "free hours" represented access from the Internet provider to the Internet, but not from the customer to the Internet. If the telephone number given to the customer to access the Internet provider was a toll call, the customer was charged for the telephone call to access the Internet provider, though the customer was provided "free" access to the Internet by the Internet provider.

When the customer used one of these promotional disks, several different telephone numbers were provided for the customer to enter into his or her computer to access the Internet provider. When the customer went online, the computer automatically dialed the preprogrammed numbers to access the Internet provider. If the first number was busy, the computer automatically dialed the second number and so on. Sometimes, one or more of these numbers were not local calls for the customer. When the computer dialed these long distance numbers, the customer incurred toll charges for the time he or she was on the computer.

These types of complaints presented a challenge to the CAD because the CAD does not have jurisdiction over Internet service providers, only the telephone company carrying the call. The telephone company has no way of knowing if customers are using a computer or dialing a call, only that a call was placed. Traditionally, the CAD has held customers responsible for calls made from their telephone, whether the call was made by telephone or through a computer

To resolve these types of complaints, the CAD attempted to mediate a resolution between the customer and the telephone utility. Often, the telephone utility was willing to waive at least a portion of the long distance charges and/or establish a payment arrangement for the outstanding balance.

The CAD also provided customers with guidance to avoid this problem in the first place. The advised customers that when they are setting-up their computer for Internet service, they need to verify that the telephone number the computer will be dialing is a

local call for them. If the customer isn't sure, they can call their local telephone company and ask if the number is within their local area.

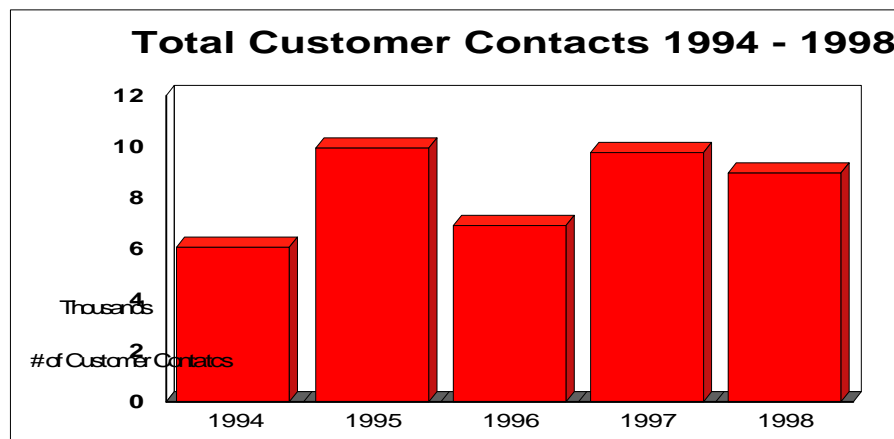


Figure I

#### IV. CONSUMER ASSISTANCE SERVICES

**Consumer Contacts.** The CAD has experienced a slight drop in customer contacts in 1998 as demonstrated in Figure I. Total contacts include informational requests from rate payers, mediation requests by residences and businesses that have disputes with utilities, and requests for authorization to disconnect customers who are experiencing payment problems during the winter. The CAD handled 9,021 consumer contacts in 1998, down 8% from 9,789 consumer contacts received in 1997. The decrease was in part due to CAD not receiving as many customer complaints or requests from utilities for permission to disconnect electric and gas customers during the winter period. The 9,021 contacts included 7,427 information requests, 853 complaints, and 741 winter requests to disconnect. The number of information requests were up 9% from the 6,781 received in 1997, the complaints were down 31% from the 1,229 received in 1997, and the winter requests to disconnect were down 58% from the number of requests received in 1997. The number of complaints received in 1998 was down slightly due in part to the 1998 Ice Storm. The Ice Storm also accounted, in part, for the increase in customer contacts in 1998. Customers often called the Commission, rather than the utilities, for information regarding outage restoration. The Ice Storm also reduced the number of winter disconnection requests received during the '97-'98 winter period. The electric utilities were concentrating their efforts on restoring service to customers and suspended their credit and collections efforts during much of January and February 1998.

**Informational Contacts.** These contacts include requests for information about recent Commission decisions and their impact on rate payers, questions about utility billing

practices, requests for information about rate payer rights and responsibilities, requests for guidance on resolving disputes with utilities, and information about sources of assistance for low-income customers who are having trouble paying their bills.

As seen in Figure II, there is an increasing trend of information contacts over the past two years.

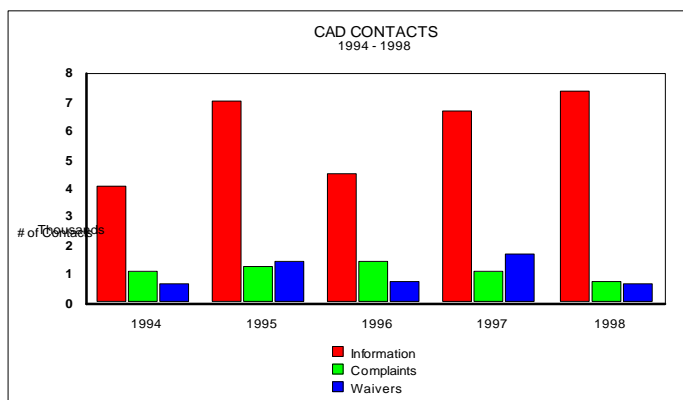


Figure II

The CAD handled 7,427 information contacts in 1998, this is an increase of 10% over the 6,781 information contacts handled in 1997, and a 58% increase over the 4,716 information contacts handled in 1996. The increase in information contacts is part of a general trend that has been evident for several years, as can be seen in Figures I & II. This trend is attributable to the changes and uncertainties for consumers associated with increasing competition among the utilities serving Maine rate payers, and the CAD's emphasis on resolution of customer disputes with utilities through mediation over the telephone, rather than through a lengthy complaint process.

**Consumer Complaints.** The Consumer Assistance Division defines a complaint as a dispute between a utility and a customer that the customer has attempted to resolve with the utility without success. Only once the consumer and utility cannot reach a mutually agreeable resolution of the issue will the Consumer Assistance Division accept a complaint and mediate the dispute. Consumer complaints do not necessarily indicate that a utility has done something wrong in serving a customer. Some complaints are filed by consumers, even though the utility has made a reasonable attempt to resolve the problem. The Consumer Assistance Division will still attempt to mediate these cases, but if reasonable attempts were made by the utility to resolve the problem, the Consumer Assistance Division will find in favor of the utility and not change the terms of the resolution originally proposed by the utility.

Consumer complaints against utilities decreased slightly in 1998 below 1997 and 1996 levels. This decrease was attributable to the 1998 Ice Storm and CAD's continued efforts to provide consumers with the information they need to resolve problems directly with their utilities (only after the consumer and the utility have tried all reasonable efforts to resolve their complaint with utility staff will CAD accept a request for assistance) and the CAD's new live call complaint resolution process described



earlier in this report. The purpose of the new complaint resolution process is to increase the resolution time for consumer complaints and to increase the number of customers the CAD is able to assist. This is important due to the increasing number of calls to the CAD. Many of the disputes that would have been accepted as complaints under the previous complaint resolution process are resolved informally and immediately over the phone under the new complaint resolution process.

As seen in Figure III, the vast majority of complaints filed in 1998 (approximately 90%) continued to be against electric and phone utilities, with Maine's electric utilities generating 56% of the complaints and telephone utilities generating 31% of the complaints.

**Complaints closed in 1998.** Fifty two percent of all complaints closed in 1998, as seen in Figure IV, were related to actual or threatened disconnection, 25% were related to billing problems, and 18% were related to service problems.

Figure III

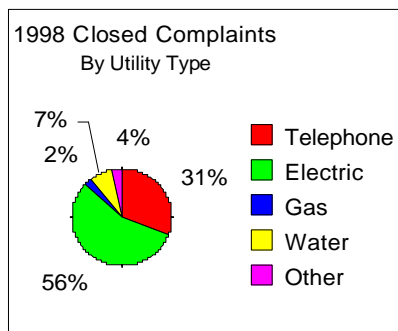
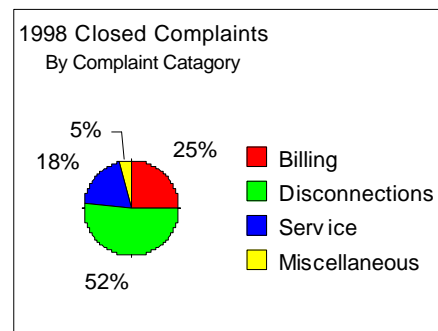


Figure IV



**Appeals of CAD Decisions.** Consumers appealed 21 CAD decisions to the Commission in 1998, down from 45 appeals filed in 1997. This is a decrease of 64% in appeals compared to 1997. The reasons for the reduction in appeals are added attention to the quality of case review and decision letters, a new internal review process for appeals, the new mediation process and added attention to customer service. Appeals of CAD decisions are reviewed by the Commission's Legal Division, and are decided by the Commission.

**Requests for winter disconnection.** CAD received 741 requests from utilities to disconnect customers from electric or gas service during the winter of 1997-98. This is a 58% decrease in requests over the winter of 1996-97 (1,722). A decrease in requests by the electric utilities due to the Ice Storm of 1998 caused the drop, as credit and collections activities were suspended from January through February. Of the winter 1997-98 requests, 11% were granted and 89% were denied.

The majority of the requests were denied because the CAD established a payment arrangement for the customer pursuant to the winter disconnection rule thereby avoiding the need for disconnection.

|                                     | <b>TOTAL<br/>RECEIVED</b> | <b>DENIED</b> | <b>GRANTED</b> |
|-------------------------------------|---------------------------|---------------|----------------|
| Central Maine Power Company         | 694                       | 623           | 71             |
| Eastern Maine Electric Cooperative  | 35                        | 26            | 9              |
| Houlton Electric Division           | 1                         | 1             | 0              |
| Madison Electric Works              | 2                         | 2             | 0              |
| Matinicus Plantation Electric Co-op | 9                         | 7             | 2              |
| <b>TOTALS</b>                       | <b>741</b>                | <b>659</b>    | <b>82</b>      |

### **Utility Compliance Review.**

**Abatements.** As a result of complaint investigations completed in 1998, the Division issued 90 decisions ordering more than \$55,000.00 in abatements to consumers. In addition, individual CAD complaint decisions also led utilities to abate charges to other similarly affected customers.

**Violations.** The CAD issued 19 citations to utilities for violations of PUC consumer protection rules in 1998 (see Table #1), which is slightly higher than the 17 citations issued in 1997.

**Table #1**

| <b><u>Company</u></b>         | <b><u># of Violations</u></b> |
|-------------------------------|-------------------------------|
| Central Maine Power Company   | 14                            |
| Bangor Hydro-Electric Company | 1                             |
| Gardiner Water District       | 3                             |
| Rangely Water District        | <u>1</u>                      |
|                               | 19      Total                 |

**Investigations Launched.** Consumer complaints filed with the CAD against Pine Tree Telephone and Telegraph Company and China Telephone Company led to a Commission investigation into the fees that local exchange carriers charge customers to change their presubscribed toll carrier. The investigation revealed that Pine Tree,

China, Union River Telephone Company, CommTel, Maine Telephone Company, and Standish Telephone Company were charging customers fees in excess of the National Exchange Carriers Association (NECA) tariff rate of \$5.00 for each such change. The carriers ceased assessing fees in excess of the \$5.00 NECA fee and refunded over \$107,000.00 to customers as a result of the Commission investigation.

## V. ENERGY AFFORDABILITY PROGRAMS

### Electric:

#### **OVERVIEW/PROGRAM HISTORY**

Maine electric, low-income programs began in 1991 as a result of state legislation passed in 1990. Maine's investor-owned utilities have these programs; consumer-owned utilities do not. These programs are expected to continue until they are redesigned as part of the transition to a competitive environment.

The Commission allocates up to .5% of jurisdictional revenues to be used toward the low-income programs. The programs and revenues are reviewed annually, and if the program costs are found to exceed .5%, the Commission will consider changes to reduce benefits or eligibility. If the program costs are less than .5%, steps are taken to review outreach and other factors, which may be causing a reduced participation level.

**PROGRAM:** Income-Based "Fixed Credit"

**Participating Utilities:** Central Maine Power Company

#### *Assistance Offered by Program*

A variation on the classic percentage of income payment program, this program provides a percentage of income payment plan to eligible low-income households based on income and usage for the previous year. The annual benefit is calculated by multiplying the anticipated annual cost (based on the previous year's use) by a percentage of the customer's annual income and subtracting that amount from the annual cost. The result is the annual benefit, which is divided into 12 equal payments (rounded to whole dollars) and applied monthly as a credit to the customer's account. The percentage of income is determined as follows:

| <b><i>Annual kWh Use</i></b> | <b><i>Customers BELOW<br/>75% of Federal<br/>Poverty Guidelines</i></b> | <b><i>Customers ABOVE<br/>75% of Federal<br/>Poverty Guidelines</i></b> |
|------------------------------|---|---|
| 5,000 or Less                | 6%  | 7.1%  |
| 5,001 through                | Use Formula*  | Use Formula*  |
| 14,000 or More               | 11%   | 12.1%   |

Formula is:  $\text{Annual kWh use} - 5000/9000 \times 5\% + 6\% = \% \text{ of income}$

### *Eligibility and Outreach*

Eligibility for this program is determined by the Community Action Program (CAP) agencies that administer LIHEAP assistance. Customers who qualify for HEAP and do not receive a housing subsidy, which limits the household's total housing costs to a fixed percentage of income, are eligible for this program. A 12-month payment arrangement is required for customers owing an overdue amount at the time they are enrolled. The payment arrangement is limited to no more than double the percentage of income. Amounts owed above that amount must be deferred by the utility during the program period. Participating customers who own and occupy their residence may designate all or a portion of their annual credit to finance usage-reduction measures

### *Other Program Information:*

According to the company's 4th quarter report, there were 8,662 participants in the 1997-1998 Program Year.

**PROGRAM:** Straight kWh Discount

**Participating Utilities:** Bangor Hydro-Electric Company

### *Assistance Offered by Program*

A discounted per-kWh rate is provided that varies according to low-income households' income (the lower the income, the higher the discount). Rates under this program are based on the % of Federal Poverty Guidelines under which the customers' incomes fall:

| Level of Federal Poverty Guidelines | 0% to 50% | 51% to 75% | 76% to 100% | 101% t |
|-------------------------------------|-----------|------------|-------------|--------|
| Rate for 1st 100 kWh or less        | 14.03     | 14.03      | 14.03       |        |
| Rate for next 100 kWh               | N/A       | 0.14033    | 0.14033     | C      |
| Rate for all kWh in excess of above | 0.07740   | 0.09644    | 0.10611     | C      |

Bangor Hydro-Electric Company also has a Residential Space Heating Service Price available for customers who heat with electricity. Qualifying low-income customers are placed on this heat rate during the heating season of October through April. because this rate is lower than those for the low-income program. This is a straight kWh rate and does not vary by customer income. Heating Season rates are: \$14.03 for 1st 100 kWh or less,

0.14033 for next 500 kWh

0.05000 per kWh in excess of above.

### *Eligibility & Outreach*

HEAP-eligible customers are eligible for the low-income rate. Customers receiving substantial housing subsidies are not eligible.

*Other Program Information*

According to the company's 4th quarter report, there were 5,502 customers enrolled in the rate plan for the 1997-1998 Program Year.

FUNDING LEVELS AND PARTICIPATION FOR  
ELECTRIC LOW INCOME PROGRAMS  
DURING THE OCTOBER 1, 1997  
THROUGH SEPTEMBER 30, 1998  
PROGRAM YEARS:

|        | FUNDING<br>LEVEL | ACTUAL<br>SPENT | #<br>ENROLLED | #<br>TERMINATED | # AT END<br>OF<br>PROGRAM<br>YEAR | AVERAGE<br>ANNUAL<br>BENEFIT<br>BASED ON #<br>ENROLLED | AVERAGE<br>ANNUAL<br>BENEFIT<br>BASED ON #<br>AT END OF<br>PROGRAM<br>YEAR |
|--------|------------------|-----------------|---------------|-----------------|-----------------------------------|--|--|
| BHE    | 803,000          | 856,021         | 5,502         | 1,266           | 4,982                             | 155.58   | 171.82   |
| CMP    | 4,450,000        | 4,223,292       | 8,662         | 557             | 7,763                             | 487.57   | 544.03   |
| MPS    | 237,000          | 200,347         | 1,934         | 121             | 1,813                             | 103.59   | 110.52   |
| TOTALS | 5,490,000        | 5,279,660       | 16,098        | 1,944           | 14,558                            | 327.97   | 362.66   |

**Telephone:**

The Lifeline and Link Up programs facilitate network access for low-income customers by providing discounts on telephone installation and monthly basic telephone service costs. Effective January 1, 1998, significant changes were required by the Commission as a result of modifications to the federal regulations for these programs. The federal regulations required modification of telephone utility procedures for credit and collections by:

- \* prohibiting disconnection of a Lifeline customer's local service for nonpayment of toll charges.
- \* prohibiting denial of a Lifeline customer's request for reestablishment of local service on the basis for a previous disconnection for nonpayment of toll charges.
- \* prohibiting the utility from requiring a security deposit in order to initiate service if the Lifeline customer voluntarily elects to receive toll blocking.
- \* requiring that ETCs apply partial payments received from Lifeline customers first to local service charges and then to toll charges.

The Consumer Assistance Division provided information to the telephone companies to help them understand the new Lifeline and Link up requirements. The CAD also assisted the telephone utilities with information to assist them in modifying their credit and collection procedures to accommodate these changes for Lifeline customers.

As a result of the Lifeline/Link up program, Maine has one of the highest rates in the nation of people connected to the telephone network. The most recent FCC survey on universal service reports that Maine's telephone penetration rate is 97.7%.

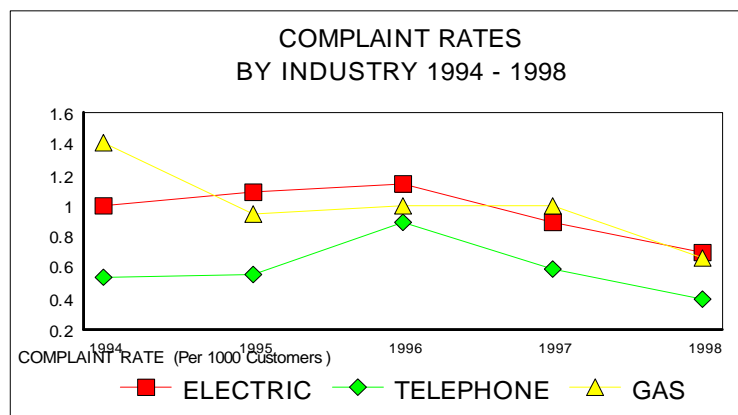
**Exemptions.** The CAD received 5 requests from utilities seeking exemption from Commission consumer protection rules for individual cases during 1998, down from the eleven requests received during 1997. The CAD granted two of the requests and rejected three of the requests, and one remains under consideration.

## VI. COMPANY COMPLAINT PROFILES

This section provides profiles of the performance of Maine utilities with respect to consumer complaints closed. Closed complaint figures are used to evaluate utility performance because a closed complaint represents a final resolution to that case.

This section is organized by industry type. Both the major utilities and any smaller ones with a significant number of consumer complaints filed against them are included. See Appendix A for a compilation of all utilities and the number of complaints that were closed in 1998. See Figure V for details regarding industry complaint rates.

Figure V

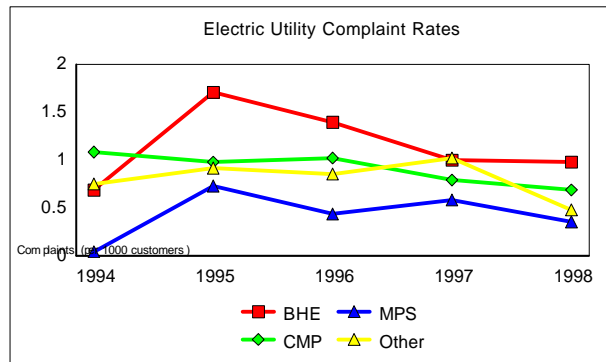


### ELECTRIC INDUSTRY

The CAD closed 491 complaints against electric utilities in 1998, down 17% from the 588 complaints closed against electric utilities in 1997. This reduction is attributable primarily to the ice storm and CAD's new complaint resolution process both described earlier in this report. The increased number of consumer contacts received in 1998 (as compared to 1997) and the decreased number of complaints demonstrate this assumption. Many issues that would have been taken as complaints under the

CAD's former complaint resolution process were resolved informally and immediately over the telephone under the CAD's new complaint resolution process. The decrease in complaints closed in 1998 is also reflected in a decrease in the complaint rate for the electric industry in 1998. This decrease followed a trend of an increasing complaint rate in the electric industry between 1994 and 1996, as demonstrated in Figure V. The decrease in the complaint rate for the electric industry can be partly attributed to the same factors that led to the decrease in closed complaints for 1997. See Figure VI for individual electric utilities' complaint rates.

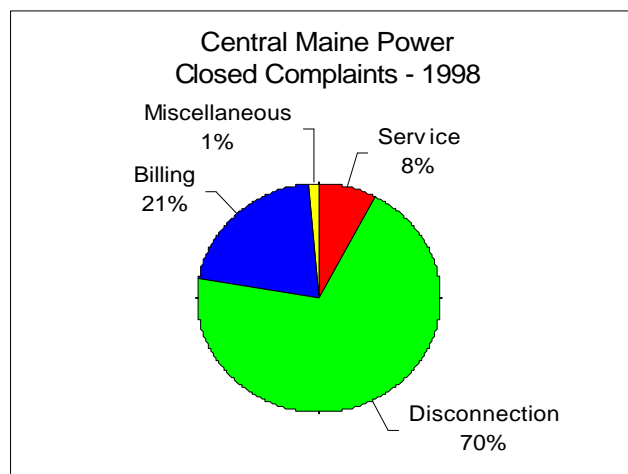
Figure VI



### Central Maine Power Company

Central Maine Power had 360 complaints closed against it in 1998. This was an 18% reduction from the number of complaints closed against it in 1997 (440). As shown in Figure VII, of the complaints closed in 1998: 70% were for disconnection of service, this being slightly lower than the 74% for disconnection's in 1996; 21% were for billing complaints, increasing slightly over the percentage of billing complaints received in 1997 (19%); and 8% were for service complaints in 1998, slightly higher than the percentage of service complaints received in 1997 (7%). CMP had a complaint rate of 0.69 complaints per 1000 customers in 1998, slightly lower than the complaint rate for 1997 of .80 complaints per 1000 customers.

Figure VII



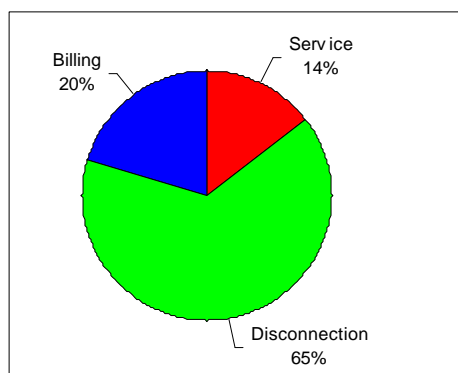
## Bangor Hydro-Electric Company

Bangor-Hydro had 104 complaints closed against it in 1998. This was a 4% reduction in the number of complaints closed in 1997 (108).

As seen in Figure VIII, 65% of the complaints closed against Bangor Hydro were related to disconnection's or pending disconnection's, up 5% over 1997 (60%); 20% were for billing complaints, down 8% compared to 1997 (28%); and 14% were for service complaints, up 3% compared to 1997 (11%).

Complaint statistics for the remaining electric utilities are summarized in Appendix A.

Figure VIII

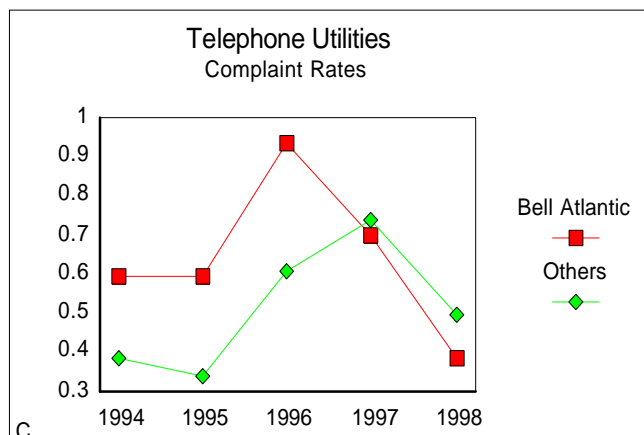


## TELEPHONE INDUSTRY

The telephone utilities as a group had 272 complaints closed against them during 1998. This is down 35% from the 418 consumer complaints closed in 1997, with the decrease attributable to a decrease in the number of complaints settled against Bell Atlantic from 361 in 1997 to 212 in 1998. This decrease is discussed in the Bell Atlantic Section of this report.

This decrease can also be seen in the reduced complaint rate for Bell Atlantic in 1998, as compared to other telephone utilities, as demonstrated in Figure IX. This again is at least partly attributable to the CAD's new complaint resolution process.

Figure IX





## BELL ATLANTIC

Bell Atlantic had 212 complaints closed against it during 1998, which was down 41% from the 361 complaints closed in 1997. This reduction is attributable to the changes in the Lifeline program; Bell Atlantic's increased emphasis on resolving complaints in-house, and the CAD's new complaint resolution process. The changes to the telephone Lifeline program under the Universal Service Provisions of the Telecommunications ACT of 1996, that took effect in January 1998, prohibited the disconnection of Lifeline customer's local service for nonpayment of toll charges. This change dramatically effected the number of disconnection related complaints received by CAD in 1998. This is illustrated clearly by the 75% reduction in disconnection-related complaints. The increased number of customer information contacts received in 1998 (over 1997) and the lower number of complaints received further support this conclusion.

As seen in Figure X, of the 212 complaints filed against Bell Atlantic, 32% were related to threatened or actual disconnections, 29% were for billing problems, and 36% were for service-related issues. When compared to 1997, Bell Atlantic's 1998 complaint distribution was significantly effected by the 75% (190) reduction in disconnection related cases. There was also a significant increase in Bell Atlantic's service related cases 26 (52%) in 1998 compared to 1997. The increase in service complaints is the result of an increase in the number of service installation and service quality complaints. The service installation complaints involved delays in providing customers with service and the service quality complaints involved network congestion.

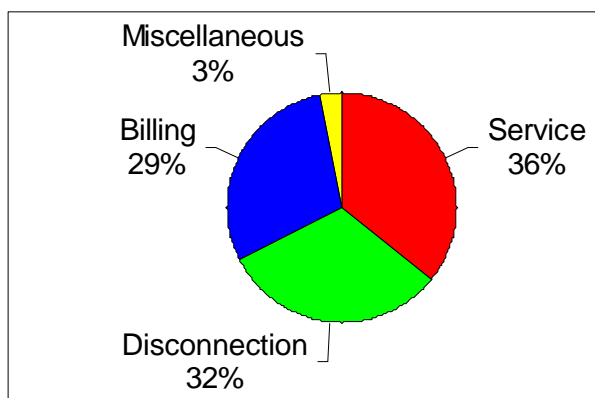


Figure X

Bell Atlantic Complaint Types

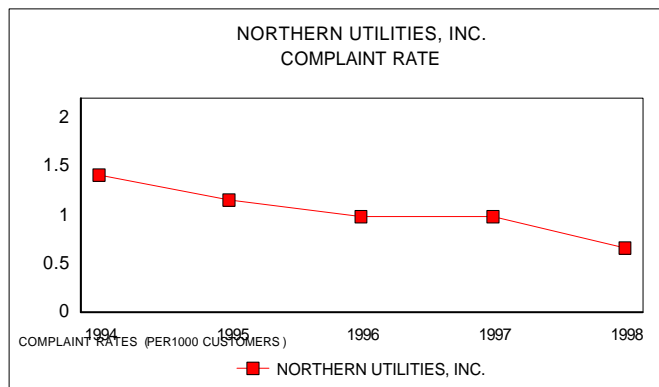
## NATURAL GAS INDUSTRY

The sole supplier of natural gas in Maine is Northern Utilities, Inc.(NUI). The number of complaints closed against NUI remained relatively constant from 1995 through 1997 with 19 complaints closed in 1995, 20 complaints closed in 1996, and 23 complaints closed in 1997. However, there was a 35% decrease in the number of complaints closed from 1997 (23) to 1998 (15). The 35% decrease represents a 50%

(7) decrease in disconnection-related complaints and a 67% (4) decrease in service complaints. There was a 100% (3) rise in billing complaints, which partially offset the decrease in the other complaint categories.

The complaint rate for NUI, as shown in Figure XI below, decreased to .69 compared to the 1.0 complaints filed per 1,000 customers in both 1996 and 1997.

Figure XI



## VII. LOOKING FORWARD TO 1999

Expectations for 1999 are that consumer contacts will continue to rise as customers raise more issues resulting from competition in the telephone industry. A major telecommunications issue to be dealt with in 1999 will be network congestion and what can be done to alleviate it. The upcoming competition in the electric industry expected to increase customer contacts significantly in 1999. The CAD will focus on providing customers with quick and easy access to information regarding their options and responsibilities in a competitive marketplace so that they can take advantage of the opportunities that competition can provide. CAD will also provide customers with a fast and efficient means to resolve disputes with utilities. It is CAD's intent to provide customers with the information and assistance they need to take full advantage of a competitive utility market. The CAD will continue to look for better ways to provide customers with the information they need and ways it can improve its complaint resolution process to reduce the amount of time it takes to resolve disputes.

Consumer Assistance Division  
Maine Public Utilities Commission  
242 State St., State House Station 18  
Augusta, ME 04333-0018  
Ph: (207) 287-3831 / (800) 452-4699  
Fax: (207) 287-1039

**Consumer Complaints and Inquiries: (800) 452-4699**